



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2302883
Applicant Name: Andy Ryssel
Address of Proposal: 3629 Phinney Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to divide one parcel into four (4) lots (unit subdivision). Proposed lot sizes are: A) 1,084 square feet; B) 1,293 square feet; C) 1,288 square feet; and D) 1,341 square feet. Related project: Demolition of the existing single-family residence and construct two (2) two-unit townhouses with attached garages under MUP No. 2206010.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into six lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading, or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 5,000 square foot property is located on the west side of Phinney Avenue North, between North 36th and North 39th Streets, in the Fremont neighborhood. Access to the site is via Phinney Ave. N, which has a limited level of street improvements. A single-family dwelling occupies the site with a detached accessory structure. There are several fir trees located toward the rear of the parcel. The site is not located in any identified or designated environmentally critical area.

The subject property and adjacent properties to the north and south are zoned Multi-family Lowrise Two (L-2). Properties to the east across Phinney Ave. N are zoned Lowrise Three (L-3) a more intensive residential zone. Phinney Ave. N., at this location, is not classified as an arterial street, pursuant to SMC Chapter 23.53.

Proposal Description

The proposal is to subdivide one parcel into four unit subdivision lots with vehicle access provided from Phinney Ave. N. The existing single family dwelling will be removed. Vehicle access to the proposed lots and future dwelling units will be via an ingress, egress and utility easement along the southern edge of the site and through the center of the property with a central auto court. Proposed lot sizes are as indicated in the summary above. The lots either have direct pedestrian access to Phinney Ave. N. or access via an easement, depending on their location.

Note that the demolition and construction are being reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2206010). The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on June 4, 2003. During the public comment period, DCLU received no written comments.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas.*
6. *Is designed to maximize the retention of existing trees*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per 1,200 sq. ft. of lot area. Given a lot area of approximately 5,000 square feet, four (4) units are allowed and four are proposed. Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. Minimum rear setback is twenty-five (25) feet or twenty (20) percent of the lot depth, in no case less than fifteen (15) feet. The existing trees located on the site must either be preserved or new trees must be planted, consistent with the requirements of the City's landscape regulations (SMC 23.45.015). The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The lots are provided vehicular access to Phinney Ave. N. via a proposed ingress, egress and utility easement, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light reviewed the proposal and does require an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued June 26, 2003. Drainage review has been conducted and approved in conjunction with this project.

An eight inch public sanitary sewer (PSS) in Phinney Ave. N. is available for sanitary discharge from new construction on all proposed parcels. Connection to the public sanitary sewer will require a sidesewer permit to allow connect to an eight inch line. Stormwater runoff from new construction shall be discharged to the public storm drain in North 35th St. by way of curb discharge. If the project yields more than 5,000 sq. ft. of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020, would be required.

4. The proposed short subdivision is consistent with minimum Land Use Code provisions. Address signage shall be posted such that addresses for all units are visible from Phinney Ave. N. and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting

the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.

5. This site is not an environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are three coniferous trees on the property. The trees would not necessarily need to be removed during the development of the proposed lots.
7. The applicant proposes the construction of two, two-unit townhouse structures (4 units total) on the subject site. Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to non-conformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Code provisions is being reviewed under Master Use Permit Number 2206010. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots may be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for shared walls on property lines, and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements of the Lowrise 2 (L2) zone including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole will meet all standards of the set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
6. Provide an area for the posting of address signs for all units at a location visible from Phinney Ave. N. and provide a covenant and/or an easement to ensure that the address signage can be maintained.

Signature: (signature on file) Date: August 11, 2003
Bruce P. Rips, AICP
Department of Design, Construction and Land Use,
Land Use Services